

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:)	Case No. 18-80386
)	
LENT CHRISTOPHER CARR, II)	Chapter 13
DELTARINA V. CARR)	
Debtors.)	
_____)	

MOTION FOR SANCTIONS FOR VIOLATION OF AUTOMATIC STAY

NOW COME the Debtors, by and through their undersigned attorney, and move the Court for an order of sanctions for violation of the automatic stay of 11 U.S.C. § 362. In support thereof, the Debtors show as follows:

1. The Debtors filed this chapter 13 case on March 20, 2018. A plan was confirmed on October 26, 2018.
2. On or about April 4, 2018, Ms. Jannetta Jordan filed a civil complaint in the Superior Court of Hoke County, entitled *Jannetta Jordan v. Lent Carr*, and assigned file number 18 CVS 239 (the “Civil Case”).
3. Following a hearing on a prior motion of the Debtors, this Court ordered on November 19, 2019 that Ms. Jordan “promptly dismiss the state-court action pending in the Superior Court for Hoke County.” However, as of the date of this current motion, Ms. Jordan has failed to do so.
4. Mr. Carr is also the owner of real property at 4160 Laurinburg Rd., Raeford, NC 28376 and at 521 Gatlin Farm Rd., Raeford, NC 28376. These properties were previously owned by Ms. Jordan were deeded to the Debtor, Mr. Carr, on or around October 23, 2017. These deeds are of record in Hoke County, Book 1244, Page 1 and Book 1243, Page 1026, respectively.
5. Ms. Jordan has exercised control and possession of these properties. Ms. Jordan has used 4160 Laurinburg Rd. as a personal residence, and has collected rent on the property at 521 Gatlin Farm Rd. Mr. Carr has made demand for possession without result.
6. These actions violate the automatic stay of 11 U.S.C. § 362(a)(3).
7. Mr. Carr has suffered damages in this matter, including forgone rental income, tax payments without benefit of ownership, stress and anxiety, and legal costs.

WHEREFORE, the Debtors pray that the Court:

1. Issue an order to Ms. Jannetta Jordan show cause as to why should not be found in contempt of the Court’s November 19, 2019 order;

2. Award damages and sanctions for violation of the automatic stay in this matter, in amount determined following a hearing, including such cost and attorney fees incurred in bringing this motion; and
3. Order such other relief as the Court deems appropriate.

Respectfully submitted, this the 18th day of February, 2020

s/ Erich M. Fabricius

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was served this day on the following parties, via first class mail unless otherwise indicated:

Richard M. Hutson II
Chapter 13 Trustee
(via CM/ECF)

Janetta Jordan
4160 Laurinburg Rd.
Raeford, NC 28376

This 18th day of February, 2020

s/ Erich M. Fabricius
